

# West Boylston CPC Application Addendum

Malden Hill South – 12.51 Acres at top of Goodale St.

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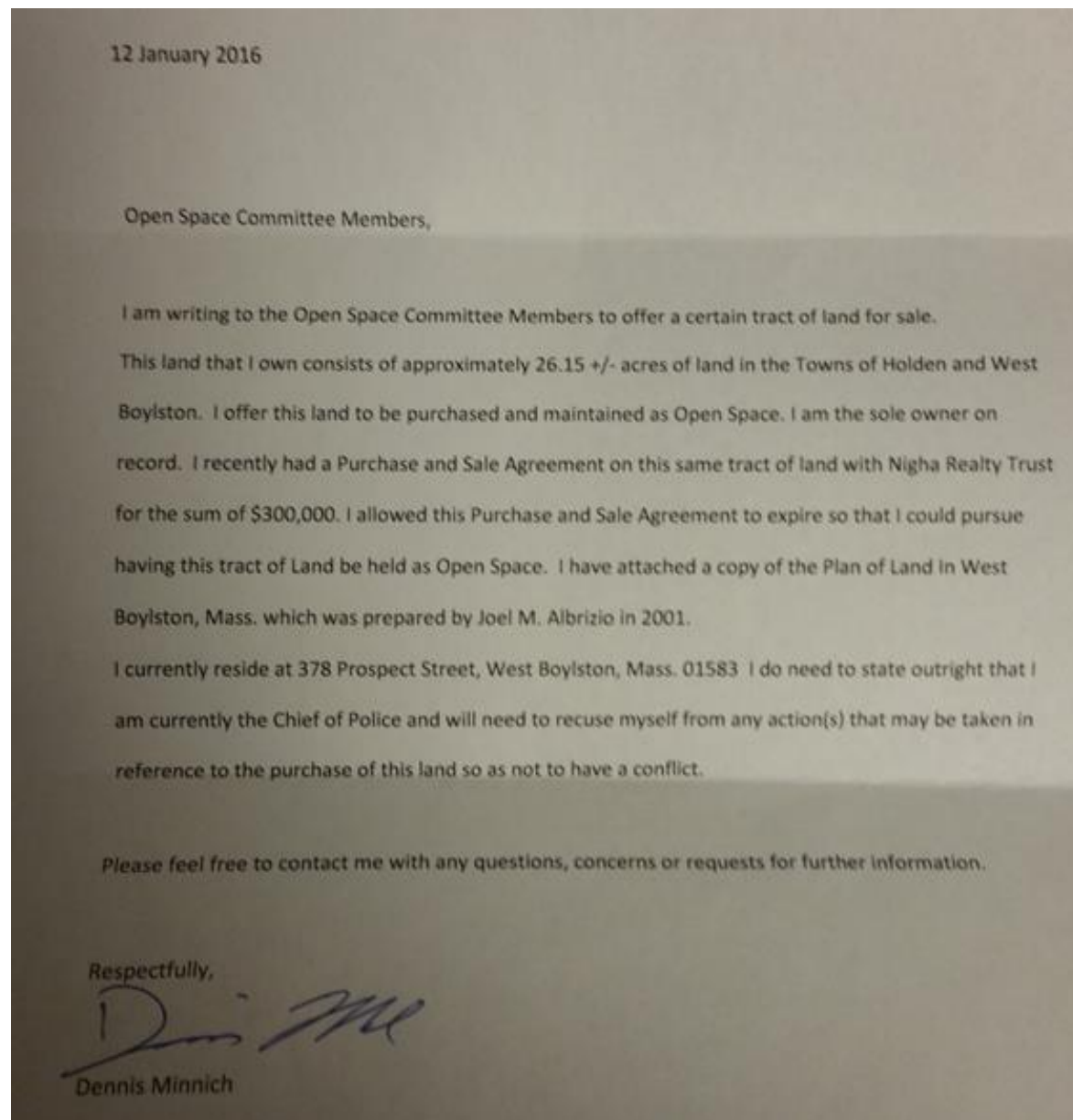
## Project Description

### Overview

This project's goal is to preserve the 12.51 acres of property in West Boylston (part of a 26.17 acre lot in both Holden and West Boylston) for open space and passive recreational use on behalf of the citizens of the town of West Boylston and surrounding communities. The land is formerly part of the Malden Brook Farm, which remains the last working farm in West Boylston. The lot is not currently under any restrictions but is directly adjacent to farm land that is under permanent agricultural restriction.

### Background

In January, 2016, Mr. Dennis Minnich, the owner of the property at that time, sent a letter to the West Boylston Open Space Committee, That letter is copied below:



During the late winter and spring of 2016, Mike Peckar, representing both the West Boylston Open Space implementation Committee (OSIC) and the Greater Worcester Land Trust (GWLT), and Colin Novick, Executive Director of GWLT, had several meetings with Mr. Minnich to discuss this project. Mr. Minnich stipulated that due to personal financial exigencies, his offer to transfer this land to the town was time sensitive, and he would be forced to sell the property on the open market for development if he could not get compensation before the end of July. During further discussions in the late spring and early summer, Mr. Minnich indicated he was in discussions with an undisclosed 3<sup>rd</sup> party (other than Iqbal Ali of Nigha Realty) who was very interested in purchasing the entire property for around \$300,000.

On March 6<sup>th</sup>, 2016, Mr. Minnich led a tour of the property with Mr. Peckar and Charlene Hopkins, formerly a member of the West Boylston Conservation Commission (ConComm). Charlene brought an endorsement of the potential CPA acquisition to a subsequent ConComm meeting.

Mr. Peckar put in application with West Boylston Community Preservation Committee (CPC) in time for their meeting on 4/11/16, but there were several problems with the Application as submitted. Firstly, there was not enough time for the CPC to get the project on the warrant for the spring town meeting. Also, the Application was submitted such that Mr. Minnich would retain ownership of the land and grant a Conservation Restriction (CR) to be held and maintained by the town. At a subsequent CPC meeting (on 7/25/16), there was a consensus recommendation that the application be resubmitted so the town would own the property outright (Note: At the time this narrative was written, the minutes of that meeting had not yet been approved, so rather than a consensus recommendation, this might have actually been a vote).

On 4/12/16, Mr. Peckar was informed the initial application had to be rejected at the 4/11 meeting. The next town meeting wouldn't be until October, and this implied the opportunity would be lost per Mr. Minnich's timeline. So Mr. Peckar, Mr. Minnich, and Colin Novick (Executive Director of GWLT) met to try to work out some sort of deal so that Mr. Minnich could get compensation for the property before the town could officially acquire the land itself.

A plan was hatched for the GWLT to secure a loan in order to pre-purchase the land and hold it on behalf of the town of West Boylston pending the approval of the CPA Application at the fall town meeting. The GWLT board approved this plan then applied for a loan from the Conservation Fund, a Virginia-based non-profit that specializes in providing loans for this exact situation: when land that would otherwise be sold for development cannot be acquired due to the long timelines typically associated with acquiring funding through public entities. Mr. Peckar met with the CPC again on 5/26/16 and detailed this plan. At that meeting, the CPC approved the plan and authorized the expenditure of CPC administrative funds for due diligence.

The due diligence required by the Conservation Fund included a fair market value appraisal and a Phase 1 Environmental review. The CPC agreed to pay for these out of their administrative account and those invoices were sent directly to them. Note that GWLT obtained several bids for both these jobs and awarded the contracts based on cost and timeliness in delivery, in consultation with CPC chair Mr.

Crowley. The Phase 1 Environmental Review was completed June 22<sup>nd</sup> and the Appraisal was completed July 1<sup>st</sup>. Because of their size, these documents are not attached to this application, but can be downloaded using the following links:

The Appraisal: <http://tinyurl.com/jo7mxmd>

The Phase 1 Environmental Review: <http://tinyurl.com/hxutfb5>

On July 1<sup>st</sup>, 2016, a meeting was held that was requested by current ConComm member William Chase with Mr. Peckar, Nancy Lucier, and Town Administrator Anita Scheipers to address some of his concerns. Following this meeting, Allen Fletcher, president of GWLT had discussions with Mr. Chase after which Mr. Chase said his concerns were addressed.

The Conservation Fund Loan was approved July 21<sup>st</sup>.

A purchase and sale agreement (P&S) for the property to GWLT was signed by Mr Minnich on July 26<sup>th</sup>, and the sale was closed on July 29<sup>th</sup>, 2016. The purchase price was \$155,000. The details of the deal are outlined in the attached P&S, but are summarized thus: just the 12.51 acre West Boylston portion of the lot was sold to GWLT for its appraised value of \$155,000, but the title to the entire lot was conveyed during the sale, with GWLT named as trustee for Mr. Minnich. Following the sale, GWLT will have a new plan prepared and recorded for the Holden portion in Mr. Minnich's name and for the West Boylston portion in the name of GWLT.

As an aside regarding the Holden portion, GWLT has applied for a state grant for one half of the appraised value of the Holden portion whose approval will not be known before November, 2016 at the earliest. Mr Minnich is willing to donate the balance of the value of that land in exchange for one half of its value. Should this state grant be approved, Mr. Minnich will retain ownership the Holden portion of the lot and a Conservation Restriction on it will be held jointly by the town of Holden and the White Oak Land Conservation Society, preserving it in perpetuity for passive recreation use.

Should either the CPA authorization by the town of West Boylston or the Grant applications for the Holden portion fail, the affected portion of the property will have to be sold for development.

The West Boylston OSIC, ConComm, and CPC all agree that this is an appropriate and desirable project for the CPC to bring to the citizens of West Boylston for their approval. Mr. Peckar plans to additionally obtain the official endorsement of the Parks Commission, the Select Board, and the town administrator.

### **CPA Goals**

This project meets the Open Space goals of the Community Preservation Act as follows:

"Goal 2: Increase the town's ability to protect environmentally sensitive, historic and culturally significant properties."

This project meets the above criteria because the land, which is primarily forest, is environmentally sensitive. It is historically culturally significant because it will preserve the rural and agrarian land use that dominated the town before the industrial revolution.

“Goal 3: Improve public access and trail linkages to existing conservation, recreational and other land uses.”

This project will preserve land which has great potential for recreation use for hiking trails, mountain biking, cross country ski trails, dog walking and camping sites for Boy Scouts. It will also expand the agricultural zone of the existing farm. If this land is preserved, it will form a direct linkage to preserved DCR lands to the north and preserved agricultural lands to the south and east.

“Goal 6: Preserve West Boylston’s rural character.”

This project’s primary goal is to preserve the rural character of this area, and this particular property is a high visibility example of this. Because of its location on the top of a hill, were it developed, that development would be visible from Prospect Street, Lee Street, Malden Street, Goodale Street, and Route I-190.

“Goal 7: Utilize open space protection strategies (purchasing development rights as an option to outright purchases of property) that maximize protection at the lowest public cost.”

This project meets the Recreation goals of the Community Preservation Act as follows:

“Goal 2: Acquisition of land to fulfill identified current and future recreational needs.” And “Goal 3: Support a diversity of recreational programs, both active and passive.”

This project will provide more land to address recreational needs for mostly passive recreation. This includes some areas that are currently restricted on DCR lands, such as dog walking and camping for Boy Scouts.

### **Special Considerations**

“Are there special permits, variances, legal ramifications or other approvals required?”

As described above, certain due diligence was required in order for GWLT to purchase the property on behalf of the town of West Boylston.

Finalizing and executing the conservation restriction on the West Boylston portion, to be held by GWLT will be required. The Conservation Restriction is required by the CPA laws and its holder, GWLT, will be permanently responsible for monitoring and enforcing the restrictions therein. A one-time payment of \$10,000 will be made to the GWLT as the organization qualified to hold and monitor the Conservation Restriction in perpetuity. Note that this one-time payment is the only add on cost other than the purchase price for the land that is submitted as part of this application. Examples of what GWLT may use this money for include:

- Settlement costs for establishing and obtaining the CR
- Developing a forest stewardship plan for the property
- Paying to mitigate violations of the CR such as illegal dumping
- Settling small claims with abutters or others who violate the terms of the CR

The CPC will be responsible for the typical costs that are the responsibility of a buyer when purchasing real estate.

Examples of additional future costs that are not covered in this application may include development and marking of trails, establishment of parking areas, maps and signage. GWLT may provide some of this through the coordination of volunteers and cover costs out of its one-time payment.

## Project Budget and Costs

The project costs are listed below. Note that some of the 'due diligence and transaction costs' have already been paid out of the CPC Administration account

Purchase of 12.51 acres of land:	\$155,000
One-time payment to GWLT to hold CR in perpetuity:	\$10,000
Total:	\$165,000

## Project Timeline

Jan 12, 2016	Mr. Minnich makes initial request for town to preserve lot to WB OSIC
Jan 26, 2016	WB OSIC meets and assigns this project to Mr. Peckar
Feb 11, 2016	First of several meetings with Mr. Minnich, Mr. Peckar and Colin Novick
Mar 6, 2016	Site visit with Mr. Minnich, Charlene Hopkins & Mr. Peckar
Apr 11, 2016	CPC Meeting: First Application reviewed and rejected
May 25, 2016	CPC meeting: Approval of GWLT's proposed bridge loan plan and \$\$ for admin
Jun 1, 2016	GWLT submits Conservation Fund loan app; orders Appraisal & Env. Review
Jun 22, 2016	Phase 1 Environmental Review completed
Jul 1, 2016	Appraisal completed
Jul 1, 2016	ConComm Meeting with Mr. Chase, Mr. Peckar, Nancy Lucier 7 Anita Scheipers
Jul 21, 2016	Conservation Fund loan approved
Jul 26, 2016	Purchase and sale of property by GWLT signed by Mr. Minnich
Jul 28, 2016	Closing of sale of property to GWLT by Mr. Minnich for \$155,000
Sep 1, 2016	Second Application submitted to CPC
Sep ?, 2016	GWLT prepares draft CR, submits to CPC
Sep ?, 2016	GWLT prepares plans for Holden and WB parcels and records with registry
Sep ?, 2016	CPC Meeting: Application approved, CR approved, warrant article finalized
Sep ?, 2016	CPC submits warrant article for town meeting before deadline
Oct 17, 2016	Town Meeting, West Boylston, CPA Warrant passes
Oct ?, 2016	GWLT submits CR to state
Dec ?, 2016	CR approved by state, goes to ConComm & Select board for approval
Jan ?, 2017	CR approved by ConComm & Select board, enter CR at Registry of Deeds
Jan ?, 2017	Closing of sale of property to Town of WB by GWLT for \$155,000
Jan ?, 2017	GLWT pays off Conservation Fund loan

## Management Plan

Minimal ongoing management will be required. Compliance with the restrictions set forth in the CR should be performed annually by the holder of the CR. The property will need to be policed for trash and damage at least quarterly. It is expected that both of these ongoing management tasks will be performed by volunteers. Still, the WB OSIC, Conservation Commission, and/or Parks Commission may choose to develop additional management requirements, and if there are extra costs associated with those, they should be minimal.

## Alternative Sources of Funds

In researching potential sources of funding for the purchase of the West Boylston portion of the property, GWLT reached out to the following organizations, all of which communicated that they are not in a position to provide substantial financial support for this specific project. For the most part, these organizations funds were limited. In some cases, it was due to large inventory of DCR protected lands, in spite of the fact that passive recreational use is strongly restricted there; in other cases because West Boylston is a CPA community and that is a disqualifier.

The Greater Worcester land Trust  
The White Oak Land Trust  
The Conservation Fund  
Scenic Byways (Mass. DOT)  
The Field Pond Foundation  
The State of Mass. Executive Office of Energy and Environmental Affairs

GWLT has expended some funds to pre-acquire the land on behalf of the town and will continue to spend money to service the Conservation Fund loan and to close the purchase by the town of West Boylston after the CPA funds are approved at town meeting. As described above, GWLT is seeking funding for the preservation of the part of the property that is in Holden, which will significantly add to the recreational value and enjoyment of the of the West Boylston property, and

## Conclusion

All those who've had the opportunity to walk this lovely, lightly forested hilltop property agree: it would be a wonderful new resource for the citizens of West Boylston for passive recreation and a shame to lose this to private development. This project is an excellent candidate for CPA funds. It meets many of the CPA goals and most certainly will enhance and preserve the rural character of the town of West Boylston. It will also enrich the lives of the citizens of West Boylston by providing access to a beautiful wooded hilltop with expansive views to the south that has not had any public access in the past. On behalf of the West Boylston Open Space Implementation Committee and The Greater Worcester Land Trust we would like to thank Mr Minnich for caring so much about this town. We would also like to thank the Community Preservation Committee in advance for taking this project on and we apologize for the tight timelines for approval. We hope this application passes your muster.

Thanks,

Mike Peckar

On behalf of:  
West Boylston Open Space Implementation Committee  
The Greater Worcester Land Trust

508-835-2959  
22. N. Main Street, West Boylston, MA

## List of Attachments and Links

### Attachments:

- Property Map
- Purchase & Sale Agreement between Mr. Minnich & GWLT
- Location Photos
- Authorization from Mr. Minnich for Mr. Peckar to apply for CPA funds

### Links:

The Appraisal: <http://tinyurl.com/jo7mxmd>  
The Phase 1 Environmental Review: <http://tinyurl.com/hxutfb5>